Attorney Docket No.   0276-059   PATENT
Attorney Customer No.   74917
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REMARKS

The present application includes claims 1-8, 10-27, 33-37, 41-43, 45, 48, 51-52, 55-56, 58-59, 62, 66-73, 79-82, 88-89 and 91-100. Claims 1, 24, 37, 48, 56 and 88 were amended. Claims 57 and 60 were cancelled and claim 100 is new. Claim 100 finds support at least on page 23, line 23. Applicant thanks the Examiner for indicating the allowability of claims 66-73.

Independent claim 1

Claims 1-8, 10-27, 33-36 and 91-98 stand rejected under 35 USC 103(a) as being unpatentable over Yaport et al. (US patent publication 2002/0178221) in view of Cai et al. (US patent publication 2005/0030966).

In order to emphasize the difference between claim 1 and the prior art, the statement that the attempting to deliver is performed "responsive to determining that they did not receive the at least a portion of the data file". This limitation emphasizes that the determination of receivers designated to receive the multicast transmission that did not receive at least a portion of the data file, is not accidental but rather is performed in order to attempt the delivery of the missing portions thereto.

Claim 1 requires:

"determining receivers designated to receive the multicast transmission that did not receive at least a portion of the data file;"

Applicant respectfully submits that this limitation is not taught or suggested by either Yaport or Cai.

Yaport describes a system which constantly transmits multiple streams of information … so that at any time any client can subscribe to a particular multicast group for receiving the data (paragraph [0031]). In view of the providing of multiple channels by the system, the client can by joining, checking and rejecting streams find data it sought (paragraph [0064]). Therefore, Yaport does not need acknowledgements ([0022]), does not attempt to deliver the data file to receivers that did not receive at least a portion of the file and naturally does not determine receivers that did not receive at least a portion of the data file.

Cai describes apparatus for replays of MBMS data and re-conveyance of missing data ([0020]). This is done by "an automatic re-conveyance of event-related data packets by MBMS content provider 127. By re-conveying the data packets, each MS subscribing to the event is provided with an opportunity to capture missed data packets or to replay the information of earlier

received data packets. The re-conveyance may occur at any time after the initial conveyance of the data but preferably is sufficiently distant in time from the initial conveyance to capture most late joiners to the group and to allow for those who have temporarily left a coverage area of communication system 100 to return to the system's coverage area." ([0044]).

Thus, Cai teaches providing the data packets a second time, so that the MSs missing data can acquire it and there is no need to determine receivers that did not receive at least a portion of the data file. Block 424 in Fig. 4A to which the Examiner referred, relates to a determination of the MS whether to receive the second transmission of the data and not to <u>determining by the server</u> of receivers that did not receive the data. Stated in other words, Cai teaches that it is the task of the receiver to collect data it did not receive properly and not the task of the server, as required by claim 1.

In addition, applicant respectfully submits that there is no rational to combine Yaport and Cai. The Examiner stated that it would have been obvious "to implement Yaport with the teaching of Cai so that clients can subscribe to a particular or selected multicast group at any time and missing data or replays of data to subscribers is provided". Applicant respectfully notes, however, that each of Yaport and Cai suggests a solution to the problem of missing data and therefore there is no rationale in adding a different solution to the same problem.

The dependent claims are patentable at least because they depend on patentable independent claims. Nonetheless, at least some of the dependent claims add further patentability over the prior art.

Claim 13, for example, requires "delivering the data file in a unicast transmission to each of the receivers determined not to have received at least a portion of the data file".

In rejecting this claim, the Examiner referred to paragraphs [0014], [0016] and [0020] of Yaport. Applicant respectfully notes that these paragraphs belong to the background section of the Yaport patent, clearly rejected by Yaport (see the end of paragraph [0017] and the end of paragraph [0020]).

Claim 15, for example, requires providing a notification message inviting the receivers to download the transmission on a unicast connection, to the determined receivers.

Regarding this claim the Examiner wrote: "Yaport discloses data distribution over the channels of one of the channel groups, e.g., 130, so as to transfer to clients of a particular group of multicast groups, [0031] for, a plurality of individual sessions occur between individual clients and the server(s) consisting of unicast transmission: [0014], [0016] and [0020].

Applicant respectfully submits that applicant did not find in this rejection any relation to providing a notification message inviting the receivers to download the transmission on a unicast connection. In addition, as stated regarding claim 13, paragraphs [0014], [0016] and [0020] are referred to by Yaport as prior art which is not suggested to be used with his invention.

Claim 24, for example, requires receiving acknowledgements from receivers that received the notification or at least a portion of the data file, after transmitting the data file.

The claim was amended to state explicitly that the receiving is performed by the data server. In contrast, step 424 in Fig. 4A of Cai is performed by the user or the receiver and not by the data server.

New claim 100, for example, requires that the upcoming transmission has a limited duration. In Yaport, the transmissions are continuous.

Independent claim 37

Claims 37 and 41-42 stand rejected under 35 USC 103(a) as being unpatentable over Xu et al. (US patent publication 2006/0166653) in view of Halter (US patent 5,319,705).

Claims 43, 45, 48, 51, 52 and 55 stand rejected under 35 USC 103(a) as being unpatentable over Xu et al. (US patent publication 2006/0166653) in view of Halter (US patent 5,319,705) and further in view of Dillon (US patent 6,728,878).

In response, claim 37 was amended to include the limitation of claim 48.

Claim 37 now requires that the file includes a plurality of different portions requiring different keys for decryption and wherein the keys required for at least one portion are received after displaying at least one other portion.

The Examiner acknowledged in referring to claim 48 that this is not taught by Xu and Halter. Regarding Dillon, the Examiner referred to col. 7, lines 66-67 and col. 8, line 1. This includes an irrelevant table and the Examiner probably is referring to col. 8, lines 66-67 and col. 9, line 1. The Examiner stated that in Dillon, each document is decrypted with a different key. Applicant respectfully notes, that Dillon does not teach that a single document requires a plurality of keys.

The dependent claims are patentable at least because they depend on patentable independent claims.

Independent claim 56

Claim 56 stands rejected under 35 USC 103(a) as being unpatentable over Xu et al. (US patent publication 2006/0166653) in view of Halter (US patent 5,319,705).

Claims 57-60 and 62 stand rejected under 35 USC 103(a) as being unpatentable over Xu et al. (US patent publication 2006/0166653) in view of Halter (US patent 5,319,705) and further in view of Majmundar (US patent publication 2006/0225123).

In response, claim 56 was amended to include the limitations of claims 57 and 60 and claims 57 and 60 were cancelled.

Claim 56 now requires "wherein the at least one of the receivers provided with the decryption keys before transmitting the encrypted file are selected at least partially responsive to previous behavior of the receivers".

Xu, as acknowledged by the Examiner, does not teach or suggest that keys are provided after the file was transmitted. Halter does not teach or suggest that keys may distributed before or after the the file was transmitted. Majmundar, as stated by the Examminer, presents in paragraph [0030] that the keys could be provided before or after the file is transmitted but does not suggest any rules about how this is decided and it is doubtful if Majmundar at all intended that both options would be used for transmission of a single multicast file. Majmundar surely does not teach or suggest that the receivers receiving the keys in advance are **selected** based on previous behavior of the receivers.

The Examiner referred to Xu as describing "a different signing key can be provided for each authorized mobile station before the transmission of the encrypted file". Applicant does not understand the relevance of this statement to the selection required by amended claim 56.

The dependent claims are patentable at least because they depend on patentable independent claims. Nonetheless, at least some of the dependent claims add patentability over independent claim 56.

Claim 62, for example, requires that the at least one of the receivers provided with the decryption keys before transmitting the encrypted file are selected at least partially responsive to the number or percentage of acknowledgements provided by the receivers in a given period. This is not taught or suggested by any of the cited art.

Independent claim 79

Claims 79 and 82 stand rejected under 35 USC 103(a) as being unpatentable over Siren (US patent publication 2002/0006801) in view of Sasvari et al. (US patent publication 2004/0057376).

Claim 80 stands rejected under 35 USC 103(a) as being unpatentable over Siren (US patent publication 2002/0006801) in view of Sasvari et al. (US patent publication 2004/0057376) and Okada (US patent publication 2002/0012327).

Claims 81 and 99 stand rejected under 35 USC 103(a) as being unpatentable over Siren (US patent publication 2002/0006801) in view of Tasman (US patent publication 2002/0080755).

Applicant respectfully traverses the rejection and respectfully submits that the Examiner has not established a *prima facie* case of obviousness, as at least one limitation of claim 79 is not taught or suggested by Sasvari or Siren.

Claim 79 requires base stations having different bandwidth amounts for multicast transmission, dropping data so that the data can be transmitted by each of the base stations on its respective allocated bandwidth and transmitting the non-dropped data substantially synchronously.

This is not taught or suggested by Siren or Sasvari. The Examiner acknowledged that Siren does not teach this limitation. Regarding Sasvari, the Examiner referred to paragraphs [0011] and [0023]. Applicant respectfully points out that the discarding of Sasvari is not carried out by the base stations but rather by policing means (Abstract) which makes sure that users do not use more bandwidth than they are allocated. This is not merely a technical difference, but rather leads to the fundamental difference that the dropping by Sasvari in not intended to achieve and does not achieve substantially synchronous transmissions between the base stations, as required by claim 79. The advantages of synchronous transmission are described, for example, on page 8, lines 6-21 of the specification of the present application.

The dependent claims are patentable at least because they depend on patentable independent claims.

Independent claim 88

Claim 88 stands rejected under 35 USC 103(a) as being unpatentable over Yaport et al. (US patent publication 2002/0178221) in view of Cai et al. (US patent publication 2005/0030966).

Applicant respectfully traverses the rejection and respectfully submits that the Examiner has not established a *prima facie* case of obviousness, as at least one limitation of claim 88 is not taught by either Yaport or Cai. In order to further the prosecution towards allowance, claim 88 was amended in a manner similar to claim 1.

Claim 88 requires a controller adapted to generate a notification on an upcoming multicast transmission responsive to a received file, to provide the notification through the output interface

for transmission and to provide the received file for transmission, without receiving acknowledgements from the receivers on whether they received the notification.

As discussed above regarding claim 1, this is not taught or suggested by the cited art. Paragraph [0040] of Cai, to which the Examiner related does not teach or suggest a controller that determines receivers that did not receive at least a portion of the data file, and the Examiner did not show any hint as to where this is described.

Applicant respectfully notes that although the above arguments were included in applicant's previous response, the Examiner did not relate to applicant's arguments at all and repeated the exact language is included in the previous office action. Furthermore, in the section tiled "response to arguments", the Examiner copied word by word the rejection, without any relation to applicant's arguments.

Independent claim 89

Claim 89 stands rejected under 35 USC 103(a) as being unpatentable over Yaport et al. (US patent publication 2002/0178221) in view of Cai et al. (US patent publication 2005/0030966).

Applicant respectfully traverses the rejection and respectfully submits that the Examiner has not established a *prima facie* case of obviousness, as at least one limitation of claim 89 is not taught by either Yaport or Cai.

Claim 89 requires a processor adapted to tune the receiver to receive data on a plurality of multicast channels, such that on each channel data of a different multimedia type is received, and to combine the data received on the plurality of channels into a single multimedia file.

In contrast, in both Yaport and Cai, data repeats are provided on the different channels and there is no division of data types between channels.

Conclusion

Applicants respectfully submit that in view of the above amendments and arguments the claims are allowable. Allowance of the application is respectfully awaited. If, however, the Examiner does not see fit to allow the claims, applicants respectfully request following the provisions of MPEP 713.01 that the Examiner notify applicant's agent after he has considered the effect of the applicant's current response so that a telephone interview between the Examiner and applicant's agent can be arranged before a further action is issued. Applicant is of the opinion that such a telephone interview can expedite the case to final action.

Applicant's agent can be reached by calling patent attorney, Robert Lev, at (330) 759-1423 or sending an email to applicant's agent (yschatz@israel-patents.co.il).

Respectfully Submitted,
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All correspondence to be associated with:
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